

**REMARKS**

Claims 8, 17, 23, and 26-29 are currently pending in the present application, with Claims 8, 17, 23 being amended. Reconsideration and reexamination of the claims, as amended, are respectfully requested.

The Examiner objected to the Abstract for reasons of formality. Applicants have amended the Abstract to exactly 150 words, and respectfully submit that the amended Abstract is therefore compliant with the length requirement.

The Examiner rejected Claims 8, 17, 23, and 26-29 under 35 U.S.C. 103(a) as being unpatentable over “Emagic Notator Logic Sequencing Software (Macintosh)” by Jim Aikin (hereinafter “Akin”) in view of Mandt (U.S. Patent No. 6,621,532). This rejection is respectively traversed with respect to the amended claims.

As previously communicated, the present invention is directed to a method and system for editing performance data, such as performance data that can be used to generate musical tones. An important aspect of the editing feature is allowing a user to attach an execution icon to a layer of the performance data for effecting a particular type of effects to the layer of data. Specifically, in accordance with the claimed invention, execution icons are attachable to one of the display layers, wherein the attached execution icon represents execution data related to the execution function of the attached layer. As also previously communicated, the present invention as recited also allows a user to delete the attached execution icon by deleting the execution-related data upon detecting a graphical user command that moves the icon outside of a prescribed display area.

Applicants have amended the claims to further emphasize that the execution-related data adds articulation to a musical tone to be generated based on performance data. It should be noted

that, in the context of the present application, the term “articulation,” as it is well understood in the field of art, does not refer to tone color or timber (i.e., type of instrument or musical notes) being played, but rather refers to specific performance techniques of musical instruments (such as bend-up, choking, glissando, etc.).

Neither Akin nor Mandt contain any disclosure of the above-described features of the present invention.

Akins discloses a sequencing software that can be graphically controlled on a display screen, as shown in Fig. 1 to 3. In particular, Fig. 1 of Akins illustrates MIDI data (i.e., performance data) being recorded onto tracks in horizontal rectangles (shown in the window on the right), and display icons allowing a user to select musical instruments to be assigned to the tracks (shown in the window on the left). As the Examiner noted in the Detailed Action, the displayed icons are associated with particular instruments in connection with the names of the tracks (see, e.g., right column on page 123). A further left window in Fig. 1 displays a tool box that includes icons for changing the function of the graphical mouse tool into one of scissors, erasers, or pastes, which are used for editing the tracks (see center column, page 124). However, Applicants respectfully submit that the icons shown in Akin do not correspond or relate to execution data for imparting articulation to a particular musical tone, wherein “articulation” refers to a specific performance technique of musical notes. Rather, Akin discloses only designating a particular musical instrument to a track; there is no teaching or suggestion of using any icons having execution-related data to impart articulation to a musical tone. Applicants respectfully submit to the Examiner that designation of a musical instrument is not articulation (i.e., a specific performance technique). Applicants further

submit that is would be an unreasonably broad application of Akin to consider the musical notes themselves to constitute articulation execution-related data.

As previously communicated, Mandt discloses an invention directed at the improvement of an editing application wherein a pull-down menu can be dragged and dropped and is thus moved in and out of a tool bar menu. Mandt does not make up for the deficiencies of Akin in that Mandt does not contain any disclosure or suggestion of icons pertaining to execution-related data of articulation. Hence, the references, even when combined, do not disclose or suggest the invention as claimed. Applicants respectfully submit that Claims 8, 17, 23, and 26-29 are not obvious in view of Akin and Mandt.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 393032019712. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: June 4, 2008

Respectfully submitted,

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